



W.P.No.18390 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 08.04.2025

**Coram:**

**THE HONOURABLE Mrs.V.BHAVANI SUBBAROYAN**

**W.P.No. 18390 of 2023 &**

**W.M.P.No.17596 of 2023**

R.Palanisamy

...Petitioner

Versus

1. The Government of Tamilnadu  
rep by its Secretary  
Revenue Department  
Fort St. George, Chennai- 600 009.
2. The Special Commissioner &  
Commissioner for Revenue Administration,  
Chepauk, Chennai -600 005.
3. The District Collector  
Erode District, Erode.
4. The Principal Accountant General  
No.361, Anna Salai,  
Chennai - 600018.

...Respondents

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned G.O. issued by the 1<sup>st</sup> respondent in G.O.Ms.No. 158, Revenue Department dated 08.04.2015 in so far as denying minimum pension



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w.e.f.01.11.2009 and quash the same and sanction the minimum pension to the petitioner from the date of his retirement i.e., 01.11.2009 with all monetary arrears and other attendant benefits.

For Petitioner : Mr.K.Raja  
For Respondents : Mr.R.U.Dinesh Rajkumar for R1 to R3  
Additional Government Pleader  
Mr.P.Manorajan for R4  
Standing Counsel

### **ORDER**

This Writ Petition has been filed to call for the entire records relating to the impugned G.O. issued by the 1<sup>st</sup> respondent in G.O.Ms.No. 158, Revenue Department dated 08.04.2015 insofar as denying minimum pension w.e.f.01.11.2009 and quash the same and sanction the minimum pension to the petitioner from the date of his retirement i.e., 01.11.2009 with all monetary arrears and other attendant benefits.

2. The brief facts of the case, as averred by the petitioner is as follows:-

(i) The petitioner was appointed as Village Head Man of Kuppandampalayam Village, Bhavani Taluk, Erode District from 21.05.1974 to 31.12.1974 and the petitioner had lost his job as village head man due to



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abolition of the post on 14.11.1980. As per directions of Hon'ble Supreme Court and G.O.954, Revenue Department dated 16.10.1997, the petitioner had been put in 3<sup>rd</sup> category and appointed as VAO on 31.03.2001. The petitioner started to discharge his duties from 19.04.2001 and reached the superannuation on 31.10.2009 as VAO in Nagalur Village, Bhavani Taluk, Erode District.

(ii) Further, the Government issued G.O.Ms.No.756, Revenue Department dated 17.08.1993 after relaxing Tamilnadu Pension Rules indicating that for the purpose of sanction of minimum pension, the date of appointment has to be taken as 14.11.1980. If such date is taken into account, the petitioner is entitled to get the minimum pension with effect from 01.11.2009. However, the proposal sent to the 4<sup>th</sup> respondent with regard to the same was rejected. Challenging the same, the petitioner has filed W.P.No.214 of 2018 before this Court and during the pendency of the writ petition, G.O.Ms.no.158 dated 08.04.2015 was passed indicating only from the date of the said G.O., and not from the date of retirement, i.e., 01.11.2009, therefore, the said Writ Petition was withdrawn with a liberty to challenge the G.O.Ms.No.158 dated 08.04.2015, hence this Writ Petition.

3. A detailed Counter affidavit has been filed on behalf of the respondents, wherein it is averred as follows:-

(i) The petitioner was working as Village Administrative Officer from



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19.04.2001 and the petitioner retired from service on 31.10.2009. The total service of the petitioner is only 8 years. The petitioner was originally working as Part-time Village Head Man in Kuppandampalayam Village in the undivided Bhavani Taluk, Erode District prior to 14.11.1980 [from 21.03.1974 to 31.12.1974] but not in service on 14.11.1980. The petitioner worked just only for 9 months and 11 days and left and he was not in duty as on 14.11.1980, the date on which the post of village karnam was abolished.

(ii) The petitioner claims minimum pension from the date of his retirement as Village Administrative Officer. The petitioner was appointed as Village Administrative Officer on 19.04.2001 and worked as such and retired on superannuation on 31.10.2009 and the total period of service rendered by the petitioner is 8 years 6 months and 13 days in the cadre as Village Administrative Officer. In this connection, the Tahsildar, Anthiyur has sent necessary proposals to the Accountant General (A&E) on 15.09.2015 and the Account General vide letter dated 11.04.2016, intimated that as per G.O.(Ms) No.158, Revenue Department dated 08.04.2015, the petitioner was not in service on 14.11.1980, therefore, the petitioner is not eligible for minimum pension.

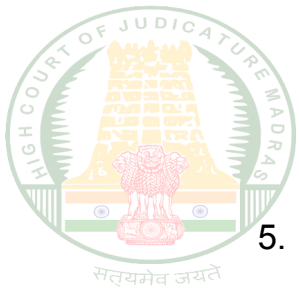
(iii) Further, by G.O.(Ms).No.158, Revenue (Serv.8(2) Department, dated 08.04.2015, the Government have ordered the erstwhile Village Administrative Officers who have lost their job on 14.11.1980, were again re-appointed as



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Village Administrative Officer, on merits and they have joined as Village Administrative Officers prior to the date 01.04.2003 who have not completed 10 years of service, are eligible for minimum pension. In this case, the petitioner had retired from service on 31.10.2009, without even putting service of 10 years. In the instant case, the said Government Order is not applicable to the petitioner. Further, it is the policy decision of the Government and the petitioner cannot question the policy decision of the Government and the petitioner has no right to interfere in the administrative decision of the Government.

4. Further, the persons referred to in the above said Government Order, were not sanctioned minimum pension and the persons have put only meager service and hence the pension is also very meager. Hence, the Government has taken a sympathetic view by the Government Order and the Government sanctioned pension from the date of termination from their job on 14.11.1980. But the petitioner was appointed in the time scale of pay and enjoyed full benefits and correct pension has been sanctioned to the petitioner with effect from 08.04.2015, as per G.O.Ms.No. 158, Revenue (Ser.8(2) Department dated 08.04.2015. Therefore, the above writ petition is liable to be dismissed.



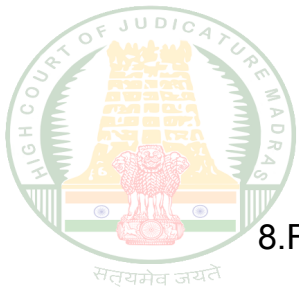
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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader and the learned standing counsel appearing for the respondents and perused the records carefully.

6. Admittedly, the petitioner was working as part-time village headman in Kuppandampalayam village in the undivided Bhavani Taluk, Erode District prior to 14.11.1980 (from 21.03.1974 to 31.12.1974), however, not in service on 14.11.1980. The petitioner worked as Village karnam just only for 9 months and 11 days. Subsequent to the concession afforded by the Government in appointment of erstwhile village officers, the petitioner was appointed as Village Administrative Officer on 19.04.2001 and superannuated on 31.10.2009, the period of service rendered by the petitioner is 8 years and 6 months and 13 days.

7. Subsequently, the Tahsildar, Anthiyur has sent the necessary proposals to the Accountant General, Chennai on 15.09.2015, however, the Accountant Geneal had infomed in the letter dated 11.04.2016 as follows:-

*“With reference to your letter cited it is seen that, that a service certificate for the period of 14.11.1980 for the village Headman service of Sri.R.Palanisamy may be sent to this office. As per G.O.(Ms) No.158, Revenue Department dated 08.04.2015, if he was not in service on 14.11.1980, he is not eligible for the minium pension under G.O.(MS) No.158, Revenue Department dated 08.04.2015.”*



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8.Further, the proposal was returned to Tahsildar, Anthiyur by the Accountant General vide letter no.Pen.26/12621760/Rtd/16-17/195 dated 08.08.2016 with the following remarks:-

*“The proposals for minimum pension in respect of Sri.R.Palanisamy, Village Administrative Officer are returned asit has been clearly stated in the G.O.(MS) No.158 Revenue Department dated 08.04.2015 that those who served as Village Headman and expelled on 14.11.1980 and joined Village Administrative Officer before 01.04.2003 and served less than 10 years of service on 14.11.1980, how the name was included in the Government order and pension proposals forwarded for authorising minimum pension is not clear. The matter may be brought to the notice of the Government, and clarification obtained from the Government may be forwarded if he is eligible for pension.”*

9. This Court while dealing with a similar case in W.P.No.10018 of 2016 dated 13.03.2023 [D.Sundararaman Vs. The Secretary to Government, Revenue Department, Chennai has held at Paragraph Nos.6 to 14 as follows:

*“6. On a perusal of the petition averments as well as the counter affidavit, it is seen that the Hon'ble Division Bench of this Court, by order dated 20.02.2007 in W.P.No. 2648 of 2007 directed the respondents to grant the minimum pension to the petitioner, expeditiously, preferably within two months from the date the petitioner makes necessary application.*

*7. It is also seen that the Principal Secretary to Government, sent a letter No.27119/Ser.8(2)/07 dated 20.09.2008 stating that by*



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*G.O.Ms.No.1287, Revenue Department, dated 06.07.1988 Government have directed that the District Employment Exchanges should maintain separate registers for the ex-village officers who had passed SSLC subsequent to 20.02.82 for the post of Village Administrative Officers and sponsored their names for the purpose of their appointment under Rule 10(a) (i) of the General Rules framed under the Tamil Nadu State and Subordinate Service Rules, whenever Collectors have called for the names to fill up the vacancies in the cadre of Village Administrative Officers. In the G.O.(Ms).No.756, the ex-Village Officers who have been retrenched on 14.11.1980, and who are qualified for the post of Village Administrative Officer, but they have not even completed 10 years of service in the post of VAO, which will be considered for pension and directed that instead of calculating the period of service from the date of appointment of Village Administrative Officer, their period of service was considered from 14.11.80, which should be taken into account, and as such, the minimum pension was ordered thereon.*

*8. In this case, the said Government Order is not applicable to the case of the petitioner as it is the policy decision of the Government and the petitioner cannot question the policy decision of the Government and the petitioner has no right to interfere in the administrative decision of the Government. Moreover, the persons referred to the above said GO were not sanctioned minimum pension and three persons who have put in a very meager service, their pension is also very meager. Hence, the Government have taken a sympathetic view and the pension was sanctioned from the date of their termination from their job on 14.11.1980. But the petitioner was appointed in the time scale of pay and he enjoyed full benefits and correct*



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pension has also been sanctioned to the petitioner with effect from 08.04.2015 as per GO.Ms.No.158, Revenue (Ser.8(2), Department dated 08.04.2015.

9. It is submitted that the petitioner was Village Karanam appointed prior to the year 1980. After abolition of the post of Village Karnam/Munsiff on 14.11.1980 by the Government, the petitioner was again appointed as Village Administrative Officer as per the orders of this Court. As per the said order of this Court, the Government appointed the erstwhile eligible Village Administrative Officers. Later on, the Government issued GO.Ms.No.148 (Ser.8(2) Revenue Department, dated 20.04.2011, it ordered to sanction pension to the said persons from the date on which they were ousted from service. In the said G.O.Ms.No.158, dated 08.04.2015, 184 persons were sanctioned minimum pension was very meager due to their less qualifying service and they were not sanctioned minimum pension.

10. However, the said Government Order is not applicable to the instant case. The petitioner is being paid minimum pension with effect from 08.04.2015 as per G.O.(Ms).No. 158, Revenue (Ser.8(2) Department, dated 08.04.2015.

11. Therefore, the petitioner's main prayer to sanction minimum pension from the date of his retirement. In this connection, it is submitted that it is a policy decision of the Government and hence, the petitioner cannot question the policy decision of the Government.

12. Therefore, the question of invoking Article 226 of the Constitution of India, does not arise, as the petitioner was originally appointed as Village Karnam and after abolition of the post of Karnam by the Government on



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*14.11.1980, the petitioner lost his job and the petitioner was re-appointed as Village Administrative Officer. Therefore, the petitioner rendered service as Village Administrative Officer, only for about 8 years. The petitioner was paid pension for the above period as per law and the Rules in existence. However, the Government Order in G.O.Ms.No.158, 08.04.2015 took a sympathetic view and minimum pension was sanctioned with effect from 08.04.2015. The petitioner prayer is to sanction pension from 01.03.2010 till the date of retirement of the petitioner. Hence, the prayer of the petitioner is non-est in law.*

*13. Further, sanction of minimum pension is only a policy decision of the Government. The petitioner cannot question the policy decision of the Government and hence, the petitioner has no right to interfere with the administrative matters of the Government.*

*14. Therefore, no interference is required in the impugned order passed by the first respondent. Hence, the above writ petition is liable to be dismissed.*

10. Considering the above said facts and circumstances of the case and the order referred supra and taking note of the fact that the petitioner was not in service as on 14.11.1980 and the petitioner had worked as part time Village Headman in Kuppandampalayam village only for a period from 21.05.1974 to 31.12.1974, which is less than a year and the petitioner was appointed as Village Administrative officer on 19.04.2001 on sympathetic ground as per



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G.O.Ms.No.954 dated 16.10.1997 and superannuated on 31.10.2009, rendered less than 8 years of service, further, the petitioner has not produced any materials to show that thousands of people were given the benefit from the date of retirement and not from the date of Government Order, this Court is of the view that the petitioner had already been given a concession of getting an appointment on a sympathetic ground and granted minimum pension with effect from 08.04.2015 and the concession cannot be extended further in all stages.

Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes / No

Internet: Yes/no

Speaking / non speaking order

ssd

To

1. The Government of Tamilnadu  
rep by its Secretary, Revenue Department  
Fort St. George, Chennai- 600 009.
2. The Special Commissioner &  
Commissioner for Revenue Administration,  
Chepauk, Chennai -600 005.
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**V.BHAVANI SUBBAROYAN, J.**

ssd

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